



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

MAY 15 2002

Mr. Kevin Lloyd
Director, Regulatory Affairs
22 Corporate Park
Zee Medical, Inc.
Irvine, CA 92606

Reference No. 02-0115

Dear Mr. Lloyd:

This is in response to your April 16, 2002 letter requesting a clarification of the phrase "no free liquid" as used in Special Provision 47 of § 172.102 of the Hazardous Materials Regulations (49 CFR Parts 171-180).

You stated your product is sealed inner packets, each containing a towelette absorbed with 6 ml of a Class 3, Packing Group II, insect repellent solution. You also stated when the packets are cut open on one end and inverted for 5 minutes, open side down, no liquid comes out. However, if shaken hard, one or two drops may come out of the packets.

The term "no free liquid" in Special Provision 47 describes the physical state when a liquid hazardous material is completely absorbed by a solid material such that no liquid is visible away from the solid material at the time the material is closed within the package. Therefore, your product is not subject to the regulations if, as you state, there is no free liquid in the packets.

I hope this information satisfies your inquiry.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



020115

172.102

Edmonson

§ 172.102(c)(1)

SP 47

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April 16, 2002

Classification

02 - 0115

Mr. Edward Mazzulo
Director, Office of Hazardous Materials Standards
USDOT/RSPA (DHM10)
400 Seventh Street, S.W.
Washington, DC 20590-0001

Dear Mr. Mazzulo:

We are requesting a letter of interpretation concerning 49 CFR 172.102 (c)(1), Special Provision 47, which provides an exemption for "small inner packagings consisting of sealed packets containing less than 10 ml of a Class 3 liquid in Packing Group II or III absorbed onto a solid material . . . provided there is no free liquid in the packet."

We are planning to ship a product that we believe meets these requirements, however we need clarification on the "no free liquid" requirement. Our product is a packet containing a towelette and a small amount of a flammable liquid (Class 3, Packing Group II). When the packet is fully cut open on one end and inverted with the open side down for 5 minutes, no liquid comes out. If the packet is shaken hard, one or two drops may come out of some of the packets.

We would appreciate it if you could give us an interpretation on the "no free liquid" requirement.

Thank you.

Sincerely,

Kevin Lloyd
Director, Regulatory Affairs
Zee Medical, Inc.
Irvine, CA 92606